

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SEAN WILSON,

Plaintiff,

V.

PTT, LLC,

Defendant.

Cause No. C18-5275RSL

## ORDER

This matter comes before the Court on the "Plaintiff's Motion to Compel re: RFP No.

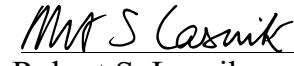
67.” Dkt. # 186. Having reviewed the memoranda, declarations, and exhibits submitted by the parties, the Court finds as follows:

Plaintiff has alleged both *per se* and direct violations of the Washington Consumer Protection Act, a fact recognized by the Court when granting class certification and denying preliminary injunctive relief. *See* Dkt. # 170 at 6 (identifying common issues related to both types of CPA claims) and 15 (recognizing plaintiff's claim that defendant's conduct is "unfair" because it targets consumers who have displayed addictive tendencies). Plaintiff has not waived

1 a direct claim under the CPA simply by asserting a companion *per se* claim, nor is he estopped  
2 from pursuing such a claim.<sup>1</sup>

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5 For all of the foregoing reasons, plaintiff's motion to compel is GRANTED. Defendant  
6 shall complete production of all documents responsive to RFP No. 67 within twenty-one (21)  
7 days of this Order.

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10 Dated this 31st day of January, 2023.

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13 Robert S. Lasnik  
14 United States District Judge  
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<sup>1</sup> Even if the certified class includes individuals who do not claim to be addicted, the entire class was subjected to the same "unfair" act or practice. At the very least, plaintiff would be entitled to the requested discovery in order to pursue his own claim of unfair targeting.